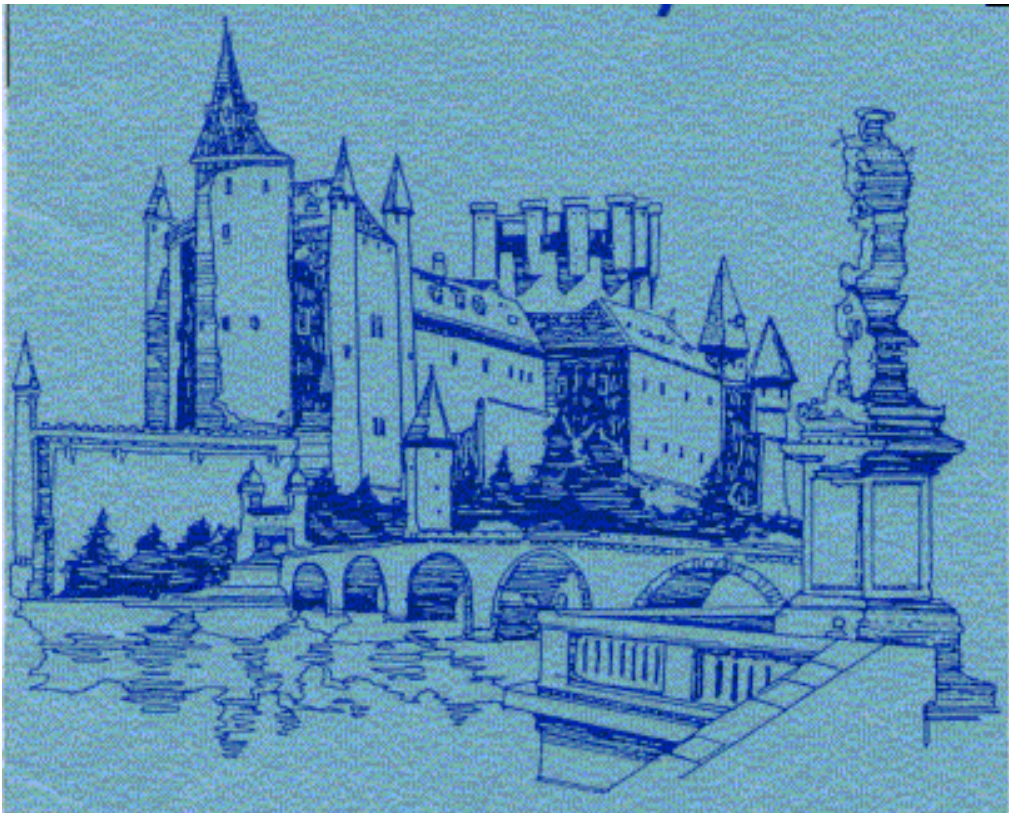


Personnel Processing

Rules for Living in Germany



A NEWCOMERS GUIDE TO CIVILIAN MISCONDUCT

Headquarters
United States Army, Europe,
and Seventh Army
Unit 29351
APO AE 09014
13 April 1995

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Rules for Living in Germany

For the Commander:
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Major General, GS
Chief of Staff

Official:



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Summary. This pamphlet provides information on rules that affect family members in Germany.

Applicability. This pamphlet applies to family members and their sponsors in Germany.

Suggested Improvements. The proponent of this pamphlet is the Office of the Deputy Chief of Staff, Personnel, HQ USAREUR/7A (AEAGA-G, 370-8823). Users may send suggestions to improve this pamphlet on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the Commander in Chief, USAREUR, ATTN: AEAGA-G, Unit 29351, APO AE 09014.

Distribution. Distribute according to DA Form 12-88-E, block 0852, command level B.



Living in Germany can be exciting and fun. There are many sights to see and things to experience.

While living in Germany, however, you are governed by special international agreements, including the NATO Status of Forces Agreement or "SOFA". This agreement governs the relationship between Germany and the U.S. military on matters of criminal jurisdiction, passport and visa regulations, taxes, claims, drivers licenses, airport regulations, and other civil and legal matters.

U.S. civilian employees and U.S. family members accused of criminal offenses are always subject to German jurisdiction. German courts have jurisdiction over all parties in civil actions, regardless of nationality or military status.

You may sue and be sued in German courts for such matters as failure to pay debts or breach of lease. If you are sued by someone, your legal assistance officer can offer free legal advice.



Individual Logistic Support

The Commander in Chief (CINC), USAREUR, authorizes individual logistic support for civilians (family members and employees) who accompany the U.S. Forces.

This support is conditional on the civilians' good behavior. When civilians break host nation laws or violate U.S. regulations, the CINC may revoke or permanently suspend this support.

The authority to revoke or suspend support also has been delegated to civilian misconduct action authorities (CMAAs) and base support battalion (BSB) commanders.

The BSB commander normally is responsible for upholding the morale, welfare, safety, and good order within the BSB geographic area.

The CMAA may suspend or revoke an offender's privileges USAREUR-wide.

Privileges that may be suspended (or revoked) include, but are not limited to, the following:

(1) AAFES sales facility privileges will be suspended for 6 months for shoplifting or for knowingly presenting a bad check.

(2) Commissary privileges may be suspended for an appropriate period of time if those privileges are abused.

(3) Offenders may be denied participation in MWR activities if the denial is in the best interest of the activity, the community, or the U.S. Army.

(4) Club privileges may be denied if the denial is in the best interest of the activity, the community, or the U.S. Army.

(5) Check-cashing privileges may be suspended if they are abused.

(6) Government quarters may be terminated if civilian sponsors or family members of a sponsor are involved in illegal use of quarters, or misconduct contrary to safety, health, or morale.

(7) Ration privileges may be suspended if they are abused.

(8) USAREUR Regulation 600-702 prescribes criteria for suspending Class Six privileges.

(9) USAREUR driving privileges may be suspended or revoked based on USAREUR Regulation 190-1.

Incidents of civilian misconduct will be resolved as quickly and informally as possible. The CMAA will process actions thoroughly and fairly, acting in concert with the military police, host nation authorities, and investigating officers. CMAA actions are administrative, not criminal.

Family members and U.S. civilian employees may receive confidential advice and assistance for legal matters by visiting the legal assistance division of the local office of the staff judge advocate (OSJA).





Community Supervision Programs

Community supervision programs are an effective way to determine if an offender is willing to be a responsible community member. Community supervision programs will be tailored to the offense and the offender.

Examples include requiring the offender to—

- (1) Periodically report in person to the community supervision officer or an appropriate designee.
- (2) Receive periodic home visits from the community supervision officer or appropriate designee.
- (3) Remain at home during specific hours.
- (4) Perform voluntary community services.
- (5) Make payments to or perform services for persons affected by the misconduct to reimburse them for damage or loss.

The offender (and a parent if the offender is a child) must consent in writing to participation in community supervision programs.



The Last Straw

CMAAs will consider advance (early) return of family members and civilian offenders to the United States when other administrative measures are not expected to be effective.

(1) CMAAs will ask sponsors to request advance return of the offender to the United States.

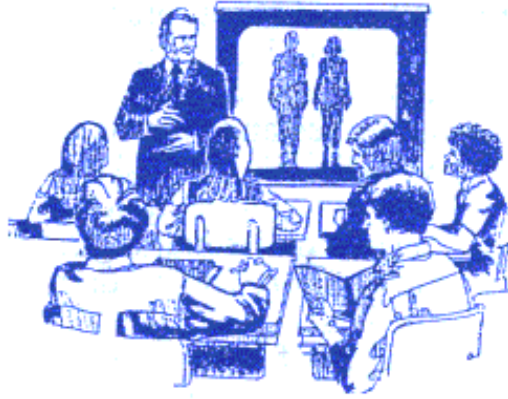
(2) If the sponsor does not request advance return of the offender, the BSB commander may authorize advance return without the sponsor's request.

(3) If advance return of a family member to the U.S. is anticipated and a violation of German law is involved, the local liaison authority will notify the appropriate judicial authorities. The offender will not be returned to the United States without host nation approval.

(4) When advance return is authorized and the offender refuses to leave, or leaves and returns to USAREUR, the CMAA may initiate action to revoke individual logistic support (other than medical care). Termination of Government quarters may be appropriate.

(5) In appropriate cases, the CMAA may ask that the 1st Personnel Command curtail the military sponsor's overseas tour.

(6) Only host nation authorities may remove offenders involuntarily from the host country. This action should be used only when other actions, including advance return of family members and curtailment of tour, have not been appropriate or effective.



General Rules and Regulations of USAREUR Schools

While protecting the rights and privileges of students, each school has policies meant to enhance the students' safety, welfare, and dignity. Involvement in any of the following offenses is cause for suspension from school and a notice being sent to the community commander:

- Cheating.
- Repeatedly being absent or tardy without an excuse.
- Consuming, possessing, storing, or being under the influence of alcohol or drugs during the schoolday or during school activities.
- Disrespecting or defying school authorities.
- Falsely setting off a fire alarm or making a bomb threat.
- Fighting.
- Forging signatures of school officials or sponsors.
- Setting fires.
- Smoking.
- Stealing.
- Using or carrying fire-crackers, explosives, or potential weapons in school.
- Vandalizing or maliciously abusing Government, school, or personal property.

Examples of Offenses and Suggested Penalties

Offense	Nature of Offense	First Offense	Second Offense	Third Offense	Remarks
Fighting or assault	Creating a disturbance	Counseling or letter of warning or suspension of privileges for up to 60 days	Letter of warning to suspension of privileges for up to 60 days	Suspension of privileges for 6 months to advance return of family member or tour curtailment	More severe administrative action may be appropriate based on the seriousness of the disturbance
	Threatening to inflict bodily harm without bodily harm	Letter of warning to suspension of privileges for up to 30 days	Suspension of privileges for up to 60 days to advance return of family member or tour curtailment	Suspension or revocation of privileges to advance return of family member or tour curtailment	
	Hitting, pushing, or other acts against another without causing injury	Letter of warning to suspension of privileges for up to 60 days		Advance return of family member to tour curtailment	More severe administrative action may be taken based on such factors as provocation, extent of injuries, and status of victim
	Hitting, pushing, or other acts against another causing injury	Letter of warning to advance return of family member to tour curtailment	Advance return of family member to tour curtailment		
Truancy	Unexcused absence from school by child	Counseling or letter of warning	Letter of warning to suspension of privileges for up to 30 days	Suspension of privileges for up to 60 days to advance return of family member	
Insubordination	Refusal to obey orders, or community or school rules; defiance of military police or commander authority	Counseling or letter of warning to advance return of family member	Suspension of privileges for up to 30 days to advance return of family member	Advance return of family member	Revocation of all logistic support privileges may be appropriate when family member refuses to leave
Unauthorized use of alcohol or drugs	Unauthorized possession or transfer of alcoholic beverages or drugs while on Government property or in a Government area	Letter of warning to suspension of privileges for 30 days	Suspension of privileges for up to 6 months	Suspension of privileges for up to 1 year, revocation of privileges to advance return of family member or tour curtailment	More severe administrative action may be appropriate when aggravated factors (such as giving alcohol or drugs to a child under the age of 16) are present
	Unauthorized use of alcoholic beverages or drugs	Letter of warning to suspension of privileges for up to 60 days	Suspension of privileges for up to 6 months	Suspension of privileges for up to 1 year/revocation to advance return of family member	

ACRONYMS DEFINED

AAFES - Army and Air Force Exchange Service

BSB - base support battalion

CINC - Commander in Chief, USAREUR

CMAA - civilian misconduct action authority

LLA - legal liaison authority

MWR - morale, welfare, and recreation

NATO - North Atlantic Treaty Organization

OSJA - office of the staff judge advocate

SOFA - Status of Forces Agreement

U.S. - United States

USAREUR - United States Army, Europe

Important Telephone Numbers

Military Police: _____

OSJA: _____

German Police: _____

Fire: _____

Ambulance: _____

Emergency Room: _____

Army Community Service: _____

Family Action Program: _____

Youth Services: _____